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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,362	02/27/2002	Tetsuaki Suzuki	Q68702	9180

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EXAMINER

YENKE, BRIAN P

ART UNIT PAPER NUMBER

2614

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/083,362

Applicant(s)

SUZUKI ET AL.

Examiner

BRIAN P. YENKE

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Election (28 Nov 05)/Amend (18 Jul 05).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-7, 14-18, 22-24, 30, 31, 33-35 and 38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5 and 7 is/are allowed.
- 6) ☒ Claim(s) 6, 14, 16, 17, 22-24, 30, 33, 34 and 38 is/are rejected.
- 7) ☒ Claim(s) 15, 18, 31 and 35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>27 Feb 02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Based upon applicant Election of Species 3, Figure 12, claims 5-7, 14-18, 22-24, 30,31,33-35 and 38 will be examined. Thus claims 1-4, 8-13, 19-21, 25-29, 32, 36-37 and 39-40 are cancelled. The applicant is reminded to send an updated version of the claims indicating the current status (i.e. claims which are cancelled should be indicated as such).

Since the examiner is maintaining the ground of the original rejection, the claims elected which have been previously rejected, will now be Finally rejected.

Response to Arguments

2. Applicant's arguments filed 18 July 2005 have been fully considered but they are not persuasive.

Applicant's Arguments

Applicant states that Herman does not disclose/suggest either updating a correction amount or detecting a cut point.

Examiner's Response

The examiner disagrees. Herman discloses a system which corrects an image from scene shot (cut point) to scene shot (cut point) which corrects for the color differences from scene (cut point) to scene (cut point) (see Fig 4, col 1, line 27-35), where the correction amount varies according to the detected color scene/previous color correction data which varies accordingly. Therefore given the broadest reasonable interpretation of the invention, Herman discloses/anticipates, renders obvious the claims as stated below.

As stated by Herman (col 1, line 60 to col 2, line 32):

In one embodiment the color correction controller uses the first color correction factor to correct the first actual color data value in the first actual image in the stored first video frame.

In another embodiment, the color correction controller is capable of comparing a first true color data value associated with the first known icon and a first actual color data value associated with a first actual color in the first actual image of the first known icon and in response to the comparison, determining a first color correction factor associated with the first actual color data value.

In another embodiment, the color correction controller is capable of determining from the first color correction factor a second color correction factor associated with a third actual color data value.

In yet another embodiment, the color correction controller identifies in the stored first video frame a second unknown object having associated therewith a fourth actual color data value substantially equal to the third actual color data value and wherein the color correction controller uses the second color correction factor to correct the fourth actual color data value of the second unknown object in the stored first video frame.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 6, 16, 19-24, 33 and 36-38 rejected under 35 U.S.C. 102(e) as being anticipated by Herman, US 6,674,898.

In considering claims 6, 16, 19-24, 33 and 38

a) the claimed a correction amount... is met by TV set 300 which receives incoming video signals which are stored in frame buffer 350 which are scanned and compared to known pixel data by color correction controller 360 via known Table 370 (Fig 3).

b) the claimed image correcting means... is met by color correction controller 360.

c) the claimed image input means... is met by TV set 300 which receiving the incoming images which are frame stored in frame buffer 350 (Fig 3).

d) the claimed cut point detecting means... is met where Herman discloses a system which corrects the color of the image from scene shot (cut point) to scene shot (cut point) by updating each frame individually.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14, 17, 30 and 34 rejected under 35 U.S.C. 103(a) as being unpatentable over Herman, US 6,674,898.

In considering claims 14, 17, 30, 34

Herman does not explicitly recite a histogram. Herman discloses a system which utilizes known icons and true colors table in analyzing the received image data in accordance with known parameters in order to provide identical color information from scene to scene.

The use of a histogram is a conventional table/chart known in the art in order to analyze the color information of an image, as disclosed by AAPA.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Herman, which discloses the correction/analysis of the received signals color information by using a true color table, by also utilizing a histogram to correct/analyze the color, since such a table/chart is conventional and readily available for such comparison/correction.

Allowable Subject Matter

5. Claims 5, 7, 12-13, 15, 18, 31 and 35 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (571)272-7359. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John W. Miller, can be reached at (571)272-7353.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is

(703)305-HELP.

General information about patents, trademarks, products and services offered by the United States Patent and Trademark Office (USPTO), and other related information is available by contacting the USPTO's General Information Services Division at:

800-PTO-9199 or 703-308-HELP

(FAX) 703-305-7786

(TDD) 703-305-7785

An automated message system is available 7 days a week, 24 hours a day providing informational responses to frequently asked questions and the ability to order certain documents. Customer service representatives are available to answer questions, send materials or connect customers with other offices of the USPTO from 8:30 a.m. - 8:00p.m. EST/EDT, Monday-Friday excluding federal holidays.

For other technical patent information needs, the Patent Assistance Center can be reached through customer service representatives at the above numbers, Monday through Friday (except federal holidays) from 8:30 a.m. to 5:00 p.m. EST/EDT.

The Patent Electronic Business Center (EBC) allows USPTO customers to retrieve data, check the status of pending actions, and submit information and applications. The tools currently available in the Patent EBC are Patent Application Information Retrieval (PAIR) and the Electronic Filing System (EFS).

PAIR (<http://pair.uspto.gov>) provides customers direct secure access to their own patent application status information, as well as to general patent information publicly available. EFS allows customers to electronically file patent application documents

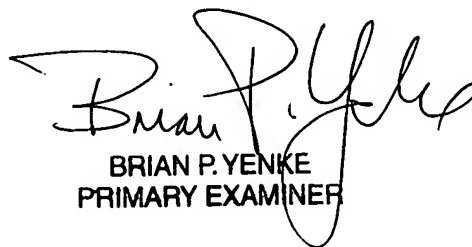
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securely via the Internet. EFS is a system for submitting new utility patent applications and pre-grant publication submissions in electronic publication-ready form. EFS includes software to help customers prepare submissions in extensible Markup Language (XML) format and to assemble the various parts of the application as an electronic submission package. EFS also allows the submission of Computer Readable Format (CRF) sequence listings for pending biotechnology patent applications, which were filed in paper form.



B.P.Y.

21 January 2006



BRIAN P. YENKE
PRIMARY EXAMINER